

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-4096

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANDREW RIVERA, a/k/a Drew,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., District Judge. (CR-94-723)

Submitted: October 17, 1996

Decided: October 23, 1996

Before MURNAGHAN and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

John D. Delgado, Columbia, South Carolina, for Appellant. John Michael Barton, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Andrew Rivera appeals his sentence after a guilty plea to possession with intent to distribute crack cocaine and distribution of crack cocaine, in violation of 21 U.S.C.A. § 841(a)(1) (West 1981 & Supp. 1996), and 18 U.S.C. § 2 (1994). Rivera's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), contending that the district court improperly calculated Rivera's sentence but concluding that there are no meritorious grounds for appeal. Rivera was notified of his right to file a supplemental brief, but he failed to do so. We affirm.

In accordance with the requirements of Anders, we have examined the entire record and find no meritorious issues for appeal. Rivera did not object to the calculation of his sentence in the district court. We find no plain error in this case because Rivera's guideline range was properly calculated pursuant to the United States Sentencing Commission, Guidelines Manual (Nov. 1994).

Accordingly, we affirm. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED